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High Stakes: The Gamble for the Howard Hughes Mormon Will

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American Society of Professional Graphologists

HIGH STAKES THE GAMBLE FOR THE HOWARD HUGHES MORMON WILL

Marc J. Seifer, Ph.D.

Book Review and Commentary

ABSTRACT: In the late 1970's, the Howard Hughes Mormon Will was ruled to be a forgery. Nevertheless, the attorney who defended the will, Harold Rhoden, disagreed with the decision. This paper will summarize Rhoden's findings, as espoused in his book, *High Stakes*. Graphological evidence will be provided to support these conclusions.

INTRODUCTION

In 1980, Harold Rhoden, the attorney who unsuccessfully defended the Howard Hughes Mormon Will, wrote the book *High Stakes*, which recounted his entire involvement. The case was tried four years earlier in 1976, when Rhoden was hired by his friend, Noah Dietrich, Howard Hughes' longtime right-hand man.

It was said that the success of this billionaire was due to eighty percent Dietrich and twenty percent luck! Hughes, who made his fortune with his father's oil drilling bit patents, was unable to share his wealth with Dietrich. Having asked for a bonus of a paltry million dollars, and having been turned down by the greedy Hughes, Dietrich quit. The year was 1958. He had served his master well for thirty years, had made numerous illegal pay-offs to the upper strata of American government, and built up the Hughes Tool Company into one of the most successful enterprises in the world; but he would help Howard Hughes no more.

Hughes, who literally told Dietrich that he could not survive without him, began to recede both mentally and physically into the reclusive life of a hermit after their parting. Surrounded only by his four or five personal attendants, it has been reported that Hughes never left his hotel room, that he could live in the same suite for years at a time, that he did not wear clothes most of the time, did not shave or cut his nails, and that he did not use a toilet when he defecated! The attendants cleaned up his mess wherever he lay.

The billionaire eccentric's aides testified in court that Hughes often-times stated that he had written a holographic will, and that it was safely hidden. He said to them that although their names would not appear in the will, they would be provided for and mentioned by their job description.

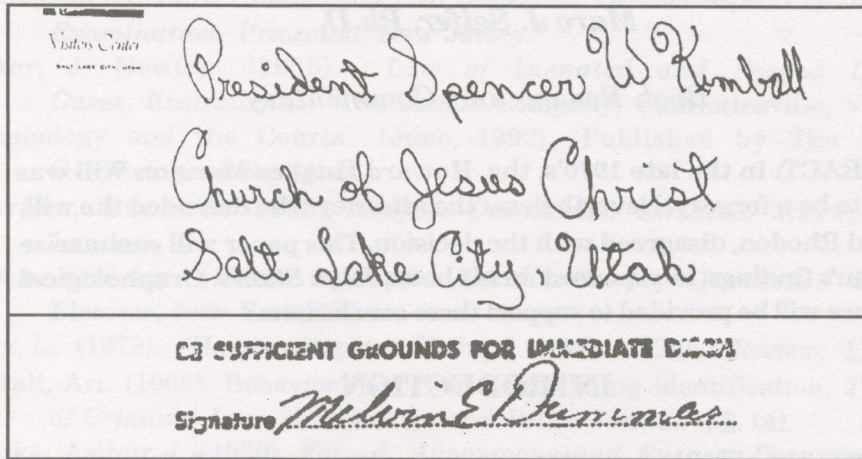


Figure 1. Outside envelope written by Melvin Dummar. His signature appears below.

In April of 1976, as Melvin Dummar reported it, a man came to his Utah gas station and delivered him Hughes will. The man told Melvin to deliver it to the proper authorities; however, instead of simply coming forth with it, Melvin disguised his handwriting on an outer envelope, Figure 1, and slipped the will into a receiving basket at the Mormon Church which was also mentioned in the document. Why was the will delivered to Melvin Dummar? Because he said, one day out on the desert, he saved a bum's life who said he was Howard Hughes!

Below is a copy of the will, Figure 5, which appeared in Rhoden's book. Before reading further, as an exercise, and as I did before continuing *High Stakes*, I would suggest that the reader take some time to study the will and compare it to other samples of Hughes' writing.

The first thing that occurred to me was how slovenly the will was. As stated by numerous QD examiners, it is filled with patching and tremulous strokes, it is written painfully slowly, and quite simply looks like a crude forgery.

However, it appears that there are a number of other samples of Hughes' writings which also display tremulous and disjointed strokes. For instance, Figure 2, below, is a sample purported to be Hughes' handwriting.

One can easily see its agitated nature. This is not at all like the smoothly written Dear Chester and Bill letter that was printed in Life Magazine in January of 1971, (and which served as the template for the Clifford Irving forgery, ASPG, Vol. III) which was written years *after* the shaky sample and the will, Figure 3.

Clearly, if it could be proven that the shaky sample in Figure 2 really was Hughes' handwriting, then this would be one strong point in favor of the will being genuine. Note in particular the quavery g, line one, in the word negotiation, the patching on the c of could and the t of result, line 2, the broken or disrupted movement on the w of want, line four and the uneven connection between the e and n of identical, line three.

As Dietrich, Figure 4, is named executor of the Mormon Will, Harold Rhoden, his attorney, became involved in the case. Naturally, if the will was genuine, Rhoden, as legal executor, stood to gain millions; however, he took one look at it and said outright that it was a fake. How could a genius billionaire have such a crude handwriting? It was impossible.

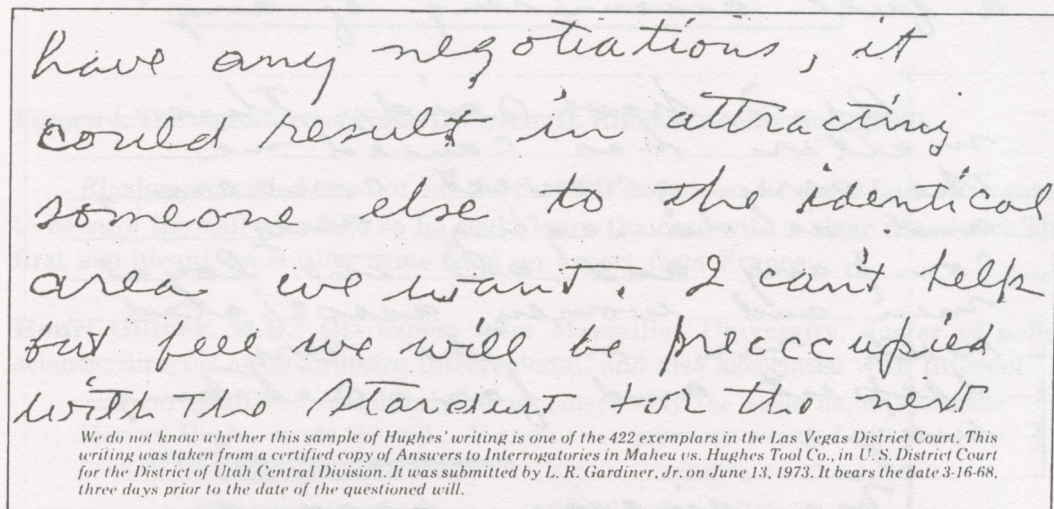


Figure 2. This sample stated to be Hughes' writing, appeared in Leslie King's *The Commentary*, (Klein, 1978, Vol. II, No. 3, p. 5.)

Dear Chester and Bill -

I do not support Waken
or Stoper in their
defiance of the Hughes Tool
Company Board of Directors,
and I deeply desire all
concerned to be fully
aware of this immediately.

I ask you to do every-
thing in your power to
put an end to these prob-
lems, and further I ask
you to obtain immediately
a full accounting of any

As I have said, this
matter has caused me
the very gravest concern,
and is damaging my
company and all the loyal
men and women associated
with me in the very
deepest and far-reaching
way.

My sincere regards;

Howard R. Hughes

Figure 3. The Dear Chester and Bill exemplar (Life Magazine, 1/1971).

Dietrich, who was in his eighties at the time, was adamant. He was convinced that the will was genuine. As he had known Hughes as a close colleague for over thirty years, Dietrich's opinion persuaded Rhoden to investigate further. Already, however, Spencer Otis, a well-respected questioned documents (QD) examiner, had announced to the press and TV cameras that it was a fake. (Apparently Otis is a composite character, predominantly Jack Harris, QD examiner from California who was hired by three sisters who were first cousins to Hughes.)* Numerous newspapers intimated that Dummer had forged it.

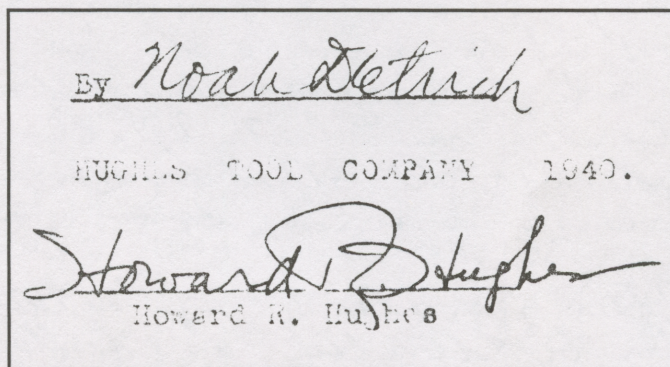


Figure 4. The signature of Noah Dietrich (H. Rhoden's collection, 1983).

Rhoden proceeded to scout out the best QD examiners he could find. He wanted to be sure the will was fake so he could leave the case with a clear conscience. The first significant conclusion came from an expert from France:

Henri Olliver, M.D.: QD expert from Marseilles University, doctor of police science, director of Laboratoire Interregional, and also associated with Interpol:

I am positive! Absolutely! It is indisputably the same hand! Monsieur Howard Hughes wrote the will.... If anyone can prove me wrong, I will place my head on the guillotine! (p. 86)

* Rhoden changed the names of some of the expert witnesses and other participants in the case for legal and other reasons. From other sources, particularly Tierney (1976) and Klein (1978) some real names have been corrected.

Last Will and Testament 21

I Howard R. Hughes being of sound and disposing mind and memory, not acting under duress, fraud or the undue influence of any person whomsoever, and being a resident of Las Vegas Nevada, declare that this is to be my last Will and revoke all other wills previously made by me.

After my death my "estate" is to be divided as follows-

first: one fourth of all my assets to go to Hughes Medical Institute of Miami

second: one eighth of assets to be divided among
The University of Texas
Rice Institute of Technology
of Houston -

the University of Nevada
and the University of Calif.

Howard R. Hughes

page one -

Figure 5-a. Page 1 of the QD, the Howard Hughes Mormon Will.

third: one sixteenth to Church
of Jesus Christ of Latterday
Saints — David O. McKay Pres

Fourth: one sixteenth to estab-
lish a home for Orphan
Children —

Fifth: one sixteenth of assets
to go to Boy Scouts
of America —

sixth: one sixteenth; to be
divided among Jean Peters of
Los Angeles and Ella Rice
of Houston —

seventh: one sixteenth of assets
to William R. Lummis of
Houston, Texas —

eighth: one sixteenth to go
to Neilvin Du Noyer of
Gatlin Nevada —

Howard R. Hughes
— page two —

Figure 5-b. Page 2 of the QD, the Howard Hughes Mormon Will.

ninth; one sixteenth to be
divided among my
personal aids at the time
of my death -

tenth; one sixteenth to be
used as school scholarship
fund for entire Country -

The spruce goose is to be given
to the City of Long Beach, Calif.

The remainder of my
estate is to be divided among
the key men of the company's
I own at the time of my
death.

I appoint Noah Dietrich
as the executor of this will -

signed the 19 day of
March 1968

Howard R. Hughes

- page three -

Figure 5-c. Page 3 of the QD, the Howard Hughes Mormon Will.

Rhoden, remained dissatisfied, and he went returned to Dietrich in order to withdraw from the case. However, Dietrich countered deftly with a persuasive argument. "Forgers don't misspell words on one page and spell them right on another," Dietrich said. "They also don't *overwrite* [retrace letters]." These features found on the Will, Dietrich said, are idiosyncracies that only Howard would be aware of. Rhoden stayed on and sought out other experts:

Pierre Faideau: QD examiner from the highest court in France with 20 years experience:

It is the work of my life to know a forgery, and the [will]... was not a forgery. (p. 74)

Hans Verhaeren (apparently Arnold Etman): Handwriting expert from the Ministry of Justice in Holland since 1951. He had written numerous articles and was a participant in the International Meeting of Forensic Sciences:

The indications of forgery were quite numerous, and... Obvious: for example, tremulous strokes, blunt ended pen lifts in most unnatural places, superfluous strokes tacked on to letters.... [However,] the numerous indications of forgery... Were also found in the known writings of Mr. Hughes. Therefore, what first appeared to be indications of a forgery... Became indications of genuineness. [That is my] first opinion. (p. 58)

Lothar Michel: writer of articles and books on forgery detection and professor of forgery detection at Mannheim University, said it was genuine. **Poly Jean Pfau** (apparently Ann Hooten of Minnesota): Having testified in hundreds of cases, she was obtaining a college degree in questioned documents examination. It was her "firm conclusion that the will was genuine." **Daniel Casey** of Atlanta, who worked for the post office as a QD expert for thirty years said Hughes was the probable author.

The two universities mentioned in the will hired **Grace Kemp** of Memphis and **Montgomery Bagby** of Northern California. Both said it was a forgery. **Lon Thomas**, an expert from Gilroy, California, said it was a forgery.

Besides seeking handwriting experts, Rhoden investigated Hughes' life and questioned thoroughly his aides. He found, for instance, that although they stated that he never left his room, that there was an outside door from the roof that they did not have access to, but which was attached to Hughes' Nevada hotel suite. He also located a number of people who stated that they had seen Hughes outside his hotel room. Some had seen him in the area that Dummar had described. And then

Rhoden received a call from Alaska from a man who claimed he was the person who delivered the will to Dummar! The lawyer flew up to meet with this fellow and started to become convinced that just maybe the will was real.

The Alaskan said that he had been a delivery person for Hughes and that throughout the years he had personally handed out numerous bribes to many well-known politicians. Rhoden hinted that one of these pay-offs had been to President Richard Nixon. As the man's son worked for the Hughes' conglomerate, and had been promoted at various times in unusual ways, Rhoden began to sink himself deeper into the possibility that the media was wrong, that Melvin Dummar's strange story could be true.

Rhoden hired a scientist in Boston to check the type of ink used in the will. The chemist discovered that it was in Papermate ink, Hughes' favorite brand. Since Papermate puts markers in their inks for the express purpose of dating them, the ink expert was able to establish that this ink had been discontinued a few years earlier. In other words, if the Will had been a forgery, it would have had to have been written with a Papermate pen that was three to four years old, with the exact type of pen that Hughes typically used. Rhoden contacted once again his handwriting experts and had them continue their investigations.

Verhaeren discussed similarities in the linking strokes of the QD with the exemplars. He noticed that the same letter or word would be written smoothly at one time and then jerkily at another time. He noticed an I-dot shaped like a 2 on page one, line three of the will. This same I-dot was found in the exemplars. Pfau had made enlargements of each letter, and displaced numerous similarities. The experts also discussed how Hughes would spell the same word differently with the same correspondence.

In the suspect document, the following words are misspelled: COMPANYS, DEVIDED, CILDREN, REVOLK, FORTH, AIDS, EXECUTER. In Hughes' known writings, he misspelled many words including the following: COMPANYS, UNDEVIDED, WICH, AIRCRAF, TRUTHLY. In the QD the following words were spelled two different ways: LAS VEGAS/LAS VAGAS; AMOUNG/AMONG; McKAY/MACAY. In the exemplars these inconsistencies were found on the same page of writing: ASSETS/ASSETTS; NO/KNOW; PAIE/PAYED; DESERT INN/DESSERT INN (see Figure 6).

During cross-examination in the trial, concerning misspellings, Attorneys Dilworth, Lillianstern and Freece, lawyers for Hughes Tool Company, pointed out that consistent with the will, Melvin Dummar's handwriting also had misspellings (e.g., COMPANY'S; DIVIDED). The will also contained a much greater proportion of misspellings per page than did the amount of misspellings in the exemplars.

These opponent lawyers, had hired **Spencer Otis**, and also a few other lesser known experts. Having worked for the Crime Laboratory for the San Francisco Sheriff's Office, Otis had appeared in court hundreds of times. He testified that the will was a "rank forgery."

The forgery is a slavish copy. The line quality is slow. There is patching. Unnatural pen lifts. There isn't the natural variation in letters which everyone has in his handwriting and that's a dead giveaway. (p. 354)

Otis concluded after studying 453 exemplars, that the Dear Chester and Bill letter from *Life Magazine* was used as the model. He suspected Dummar who was known to have seen the sample in the book *Hoax* at a local library; however, Otis could not prove this.

Rhoden made the point that there were capitals in the QD that did not appear in the Chester and Bill letter, which matched other known capitals of Hughes. As Dummar could not have had access to these samples, how was it possible to create capitals that were accurate copies, he asked. Otis replied that the forger "had made a good guess."

Otis utilized numerous "superb blowups to illustrate his points," i.e., in showing marked similarities between the Chester and Bill letter and the QD. He noted in particular the similarities of the word OF which stands out in the will almost as if it were stamped. The shocker to Otis' testimony, however, concerned his initial pronouncement before TV cameras stating that the will was a forgery.

Rhoden: You didn't look at any exemplars at all, did you?

Otis: All right, I may not have looked at any of the exemplars at that time. It would have been a useless exercise.

Rhoden: You decided that the will was a forgery after comparing it to nothing!

Otis: I was familiar with Hughes' writing.

Rhoden: Are we to understand that you had exemplars with you in your brief case?

Otis: Yes.

Rhoden: But you didn't bother to open your briefcase... [to make a] comparison?

Otis: I didn't think it was necessary.

Rhoden: You were certain enough that it was rank forgery on May 5, 1976 to announce it on national television, weren't you?

Otis: I was. It was the rankest forgery I had ever seen. (pp. 355-361)

Rhoden pointed out in his text that a total of about \$200,000 was paid to questioned document examiners for both sides for their testimony!

The truth to this story rests to a great extent on whether or not Hughes actually

did write with tremors, patching, unnatural disruptions and inconsistencies. This brings us to the medical testimony and coincidentally to a case that this investigator became involved in.

The following suspect signature of David Goldstein, Figure 7, was questioned by his daughters after his death because it was written more slowly than the other signatures and because of the peculiar capital D. This man had had a stroke about ten years earlier and had died of kidney failure a few weeks after the suspect document was written. I was puzzled by the slowness and awkwardness of the signature, especially by the peculiar downstroke of the D of David. It seemed unlikely to me that a person would botch up the first stroke of his name. My associate, Thelma Seifer, suggested that his illness may have caused these discrepancies. After long hours of working with a light box and noticing that breaks occur in the exact same places in the exemplars as in the QD, I concluded that the writing was most likely genuine. Numerous letters superimposed. However, since the original document was located in Florida, and I reside in Rhode Island, I had to suspend final judgement until such time as I had access to the original. I wanted to check pressure patterns and other details.

Note in the sample of his writing the patching and shaky strokes. As the man had died of kidney failure, as did Howard Hughes, I was interested in the findings of the medical doctors that were called by Rhoden to discuss this particular malady and its effects on handwriting.

Dr. Alan Rubens, a neurologist from the University of Minnesota is an expert in this area. He stated that kidney failure or uremia, affects the brain because the kidneys are unable to remove all the waste from the bloodstream. He also said that it was intermittent so that effects of the disease would not be present all of the time.

As the disease progresses, the patient may show a variety of bizarre behaviors. He may develop paranoia.... Handwriting will be slow and labored. There may be sloppiness and misspellings... Tremors... Deletion of letters... [And] over-simplification. (pp. 234-235)

The doctor concluded that Hughes' ungainly writing was consistent with other people suffering uremic poisoning. He also concluded that the writing of the will was typical in this respect.

Alan Levine, handwriting expert, and president of the American Society of Professional Graphologists, himself, a medical doctor, felt that the introduction of this evidence by Rhoden was stretching the case greatly. Levine noted that there are numerous reasons for patching and misspellings, and to conclude that the cause was uremic poisoning rather than some other reason, such as the natural tendency of the writer, actually *weakened* Rhoden's case, for it clouded the issue.

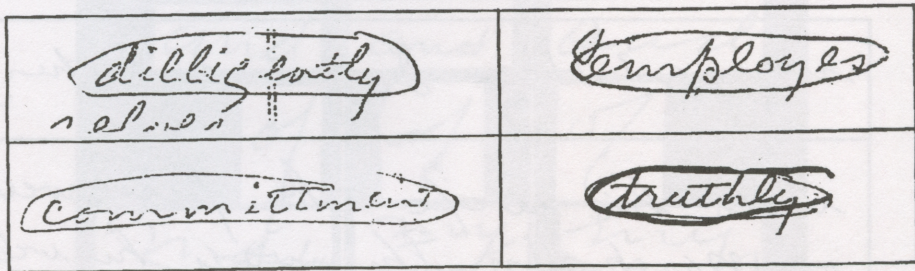


Figure 6. Some misspelled words in H. Hughes exemplars (circled by Rhoden or his experts in preparation for the trial).

Ordway Hilton's 1982 text *Scientific Examination of Questioned Documents*, states that the will is a forgery due to the numerous retracings, unnatural breaks and slowness. This view was supported in a major article by John Tierney, which appeared in *Science* 83. See Figures 8 and 10. Figure 8 includes Hilton's caption from his text. He concludes from the chart that the middle column is a forgery. Keeping in mind the possibility that Hughes may have been ill at the time of the writing, and that there are many other samples displaying unnatural breaks, retraces and tremors (see Figure 8), it appears to this examiner that the middle column indicates a common authorship with the other two known samples on this chart.

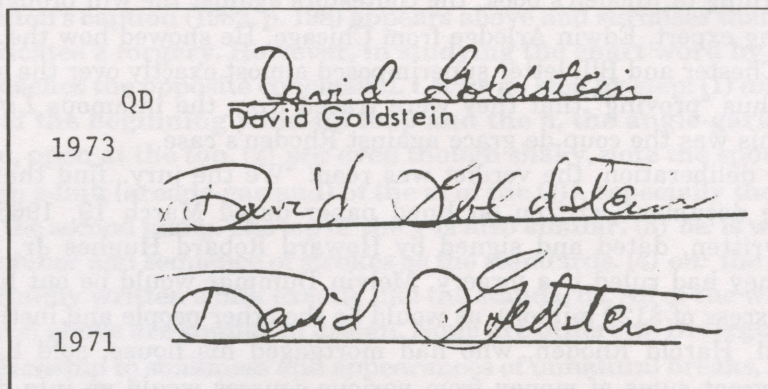
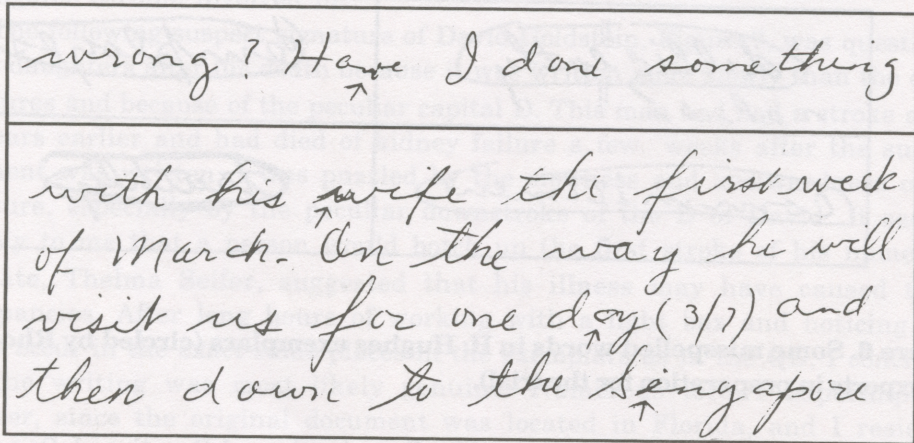


Figure 7-a. The signatures of a man who died from kidney failure. The top signature, the QD, was written after a stroke.



wrong? Have I done something
with his wife the first week
of March. On the way he will
visit us for one day (3/1) and
then down to the Singapore

Figure 7-b. The handwriting of a man who died from kidney failure. Note the tremors and disruptions in some of the samples. [Having suffered from a stroke, these disruptions may have been caused by either problem.]

Returning to Rhoden's book, the contestors against the will brought up a final handwriting expert, Edwin Arledge from Chicago. He showed how the signature in the Dear Chester and Bill letter superimposed almost exactly over the signatures in the will, thus "proving" that they were traced from the infamous *Life Magazine* sample. This was the coup de grace against Rhoden's case.

After deliberation, the verdict was read: "We the jury...find that [a] certain three-page document written on lined paper dated March 19, 1968... Was not entirely written, dated and signed by Howard Robard Hughes Jr. himself." In essence, they had ruled it a forgery. Melvin Dummar would be out his 1/16th, (a figure in excess of \$120 million), as would be the other people and institutions cited in the will. Harold Rhoden, who had mortgaged his house, sold his plane, and borrowed great sums of money from various sources would go into debt about a quarter of a million dollars. He was too poor to appeal.

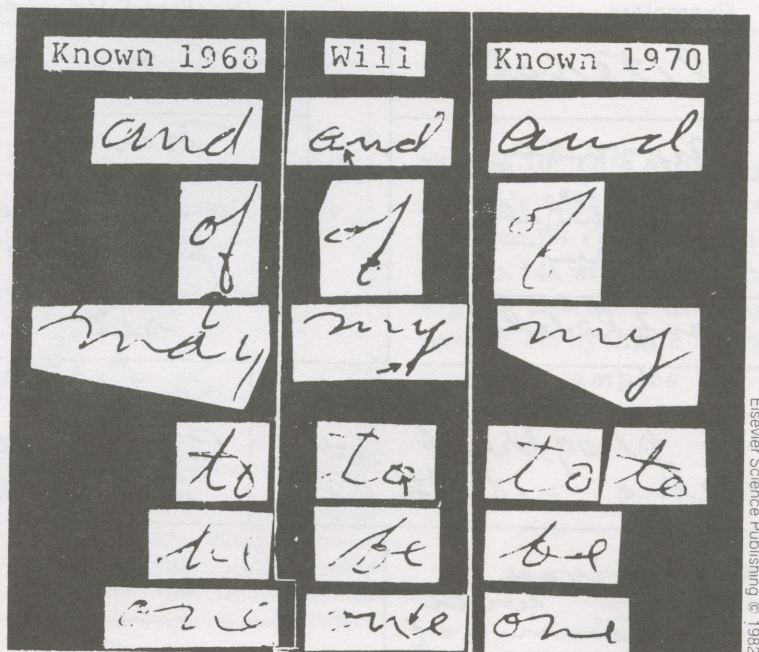


Figure 9.19. Defects of the will writing compared to Hughes's known writing in the outer columns include poorly written short, simple words. Also, the arrow indicates a small break between a and n in "and"; poorly formed letters in "of"; the addition of ending stroke (arrow) to y in "my"; the wrong direction of the ending of o, indicated by the arrow; the form of the beginning stroke and connection in "be"; and the form of n and the break between n and e in "one." The words illustrated are almost automatically written by a writer like Hughes; the forgeries are not.

Figure 8. Hilton's caption (1982, p. 198) appears above and surmises that the middle column indicates a forgery. However, in studying the chart word by word, this examiner reaches the opposite conclusion. Let us go step by step: (1) *and*: note the similarity of the beginning wind-up loop and the a, the angle-garland n and simplified d, open at the top. (2) *my*: even though shaky, note the spontaneously written open s-link (arcade-garland) of the m of the QD, especially the lightened upstroke of the second hump. The top of the y is also similar. (3) *be*: is written with the same number and sequence of strokes as the standards. (4) *on*: the n, although shaky, is a fluidly written s-link exactly like the standards. All of the words in the will displayed above are similar in design. None are different. Divergences occur only in relationship to shakiness and appearances of unnatural breaks, as between the a and n of *and*, and the n and e of *one*. These types of breaks very often appear in Hughes' writing. See Figure 10 below for additional references to this figure.

Exemplars	Questioned Documents
literally	Testament
nevada	Nevada
technically efficient	and as well previously
completely	sets
in progress ^{property} at agreeing not to con	sixteenth Christ of David O.
Mr. Trixas him with container of	Children
approximate costs and of performing the	of America -
funeral operation Admiral has over-played, and over-drama-	sixteenth;
answer my letter after he received it.	among my
	The remainder estate is to be
	of my divided

Figure 9. The column on the left contains isolated examples of Hughes' handwriting over a number of years which display arrhythmic and abrupt disconnections and tremors. The column on the right contains similar disruptions in words from the will. Clearly, the will is written more slowly and with more breaks than most of Hughes' known handwriting. Nevertheless, tremors, arrhythmic disconnections and slowness are intrinsic factors to many exemplars. Discrepancies can be explained by the possibility that this grave document was written with more deliberation than ordinary communiques. Top five exemplars from Rhoden, 1983; bottom four from Drosnin, 1985.)

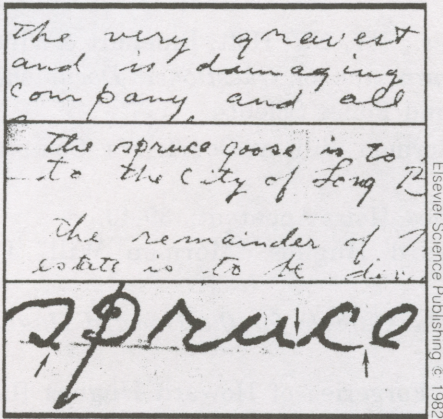


Figure 10. This exhibit appears in Hilton's text (p. 197) and also in Science 83 (Tierney, July/August, 1983, p. 14), with original caption. See Figure 9 which displays similar severe arrhythmic disruptions in known samples of Hughes' handwriting.

Howard Hughes' writing, top, was a favorite of forgers. The famed "Mormon Will," center, revealed typical flaws when magnified, bottom: uncertain lines in the s and "hidden pen lifts" between letters.

In 1983, I interviewed Harold Rhoden by telephone and asked him if he had had any inkling that the case would go against him. He said, "No, I thought we had it made." He had been completely surprised, and to that extent, it is possible that he misread the jury. Francis Klein, who reported this case for *The Commentary*, wrote that Judge Hayes, who presided over the case, had difficulty seeing the exhibits because of the position of the seats in the room. In the interview, Rhoden felt that the handwriting experts on both sides created a "washout." His conclusion: "The jury could never get over [the fact that] Melvin Dummar was a liar."

High Stakes remains an excellent literary work about trial law and the world of questioned documents. It is a mind-gripping story about one of the most bizarre men the world has ever known, and is written as a superb mystery.

It is also a political treatise about consensus realities, the role the mass media plays in shaping our consciousness and the value of direct experience. What we want to be true, what we believe to be true and TRUTH itself may often-times disagree.

Special Thanks to Harold Rhoden for providing many handwriting samples.

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